

1947.

File No.

K

P M E

Legal Dept.

B

BRANCH

Subject:— A Bill to amend the
Bombay Distt Municipal and
Municipal Boroughs Act, 1925

L.A. Bill No XXII of 1947

Perm. Act No II of 1947

File No.

B. Munis Distt &
Munis Boroughs / 47

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C O N T E N T S.

Legal Department File No. B. Dist. Municipal and Municipal
Boroughs / 47

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[Handwritten signature]

Office of the R.L.A.

The requisite draft Bill to extend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925 is sent herewith.

2. The subject-matter of the Bill falls under entries 13 and 18 in List II and entry 20 in List III in the Seventh Schedule to the Government of India Act, 1935. The Bill does not require any sanction or recommendation of the Governor. As the Bill does not contain any provision repugnant to the provisions of any earlier Central law by existing Indian law with respect to any of the matters enumerated in the Concurrent Legislative List, it will not be necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the said Act. None of the provisions of the Bill falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The General Department will no doubt prepare the Statement of Objects and Reasons.

O.C.

Remembrancer of Legal Affairs.

U.O.R. to G.D. No. 1766

Dated the 21st February 1947.

S.C. 4 C. 29/5

Legal Department.

The Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947 (L.A.Bill No. XXII of 1947). was published on Saturday- 22nd February 1947. The draft of the Bill as approved by the Remembrancer of Legal Affairs, and H.M.(law) was handed over personally to Dy. Secretary, General Department on 21-2-1947 in order to avoid delay as the Bill, it appears, was required to transfer its papers to be published immediately. The General Department it is understood proposed circulation of the draft Bill to the Cabinet. The General Department was unable to transfer the papers to this Department on 21-2-1947 to enable it to take further action in regard to its publication. On Saturday- 22nd February 1947 enquiry was made by the H.P.M. at about 8.30 a.m. whether the Bill was published. There was nobody in G.D. at that time. A Statement of Objects and Reasons was therefore drafted in L.D. and the same was signed by H.M. (L.S.G.) and the Bill was published under the orders of H.M.(L.S.G.) and H.M.(L.). As quick action was needed, when even the General Department papers were not received in this Department, it had not been possible to ascertain what was the number of copies of the Bill required by G.D.

2. With regard to "A" in Secy. G.D.'s note at p.2 it may be stated that the Bill will not be required to be printed again. The type of such Bills is always kept standing in the Press till they pass through the final stages. If G.D. requires more copies, such number of copies will have to be struck. As a matter of fact copies of the Bill (on white paper and as against Gazette copies) are always struck after its publication in the Bombay Government Gazette.

3. In this particular case copies of the Bill have already been supplied to the General Department.

4. So far the practice has been to leave it to the Department concerned to obtain the copies required by it from the

Press direct.

Sd/

Secretary to Government.

U.R. to G.^U. , No. 3201 , dated the 2nd April 1947.

S.C. 29/5

No. 2595

Legal Department.

Bombay Castle, 17th March 1947.

From

D.V.Vyas, Esquire, I.C.S.

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject.- A Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925,

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, an authentic copy of a Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 1st March 1947 and on the 10th March 1947, respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 13 and 18 in List II and entry 20 in List III to the Seventh Schedule to the Government of India Act, 1935.

4. As the Bill does not contain any provision repugnant to the provisions of any earlier Federal law or existing Indian law with respect to any of the matters enumerated in the Concurrent legislative List, it will not be necessary to

reserve it for the consideration of the Governor General reference to section 107(3) of the Government of India Act, 1935.

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I am also to forward herewith ^{one} the copy of each of the papers noted in the margin. The Bill was not referred to a

-----	Select Committee.
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	: 7. I am to
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	: state that it is
3. Bill as read for the third time and passed by the Bombay Legislative Council.	: imperative to
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 1st March 1947 and of the Bombay Legislative Council dated the 10th March 1947.	: publish the Act
	: on the 18th March
	: 1947. I am,
	: therefore, to
	: request you to
	: obtain the assent
-----	of His Excellency

the Governor immediately and to return the Bill so assented to this Department at once, so as to enable this Department to take the necessary action.

I have the honour to be,

Sir,

Your most obedient servant.

Sd/

Secretary to the Government of Bombay.

Legal Department.

S.C. 4 C. Through

The Secretary to the Government of Bombay.

General Department.

Bills.

A Bill to amend the Bombay District Municipal Act, 1901. and the Bombay Municipal Boroughs Act, 1925.

GOVERNMENT OF BOMBAY
Legal Department.
Resolution No. 1804
Bombay Castle, 22nd February 1947.

Memorandum from the General Department, dated the 22nd February 1947 :- Transferring for necessary action, the papers relating to a Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

RESOLUTION. The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay for publication in the Bombay Government Gazette, dated the 22nd February 1947, as Bill No.. XLII of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari Scripts) and the translations should be published in the Bombay Government Gazette on the 24th February 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay.

K.M.Chitania.
Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department.

The General Department,
x The Oriental Translator to Government,) With a)
The Secretary to the Bombay Legislative) copy of the)
Assembly,) Bill and)
The Director of Publicity, Bombay.) S.O.R.)
)

*With five extra copies of the Bill.

S.C. 29/5

Acts. Publication of the Bombay
District Municipal and Municipal
Boroughs (Second Amendment) Act, 1947.

GOVERNMENT OF BOMBAY
Legal Department.
Resolution No. 2646
Bombay Castle, 16th March 1947.

Letter to the Secretary to the Governor, No. 2595,
dated the 17th March 1947.

Letters from the Secretary to the Governor, No. G.S. 379
dated the 18th March 1947.

"With reference to your letters No. 2594, and No. 2595, dated the 17th March 1947, I am directed by return herewith, with the His Excellency the Governor's assent signified thereon, the copies of the Bombay District and the Bombay District Municipal and Municipal Boroughs (Second Amendment) Bill, 1947." *Municipal and Municipal Boroughs (Amendment) Bill, 1947.*

"RESOLUTION." The law should be published as Bombay Act No. 14 of 1947 in the Bombay Government Gazette, dated the 18th March 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department with reference to the memorandum from that Department, dated the 22nd February 1947.

By order of the Governor of Bombay.

D.V.Vyas.

Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 cassette copies of the Act may be forwarded to the Legal Department.	)	
The General Department,	)	
✓ The Oriental Translator to Government,	)	with a
The Secretary to the Bombay Legislative Council,	)	copy of
The Secretary to the Bombay Legislative Assembly,	)	the Act.
The Director of Publicity.	)	

*with five extra copies of the Act.

L. A. BILL No. XXII OF 1947.

A Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As read for the third time and passed by the
Legislative Assembly on the 1st March 1947.)

Bom.
III of
1901.
Bom.
XVIII
of
1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (I) This Act may be called the Bombay District Municipal and Municipal Boroughs (Second Amendment) Act, 1947. Short title and commencement.

5 (2) It shall come into force at once ; but section 3 shall be deemed to have taken effect on the 1st day of January 1947.

Bom.
III of
1901.

2. After clause (k) of section 56 of the Bombay District Municipal Act, 1901, the following shall be inserted, namely :— Amendment of section 56 of Bom. III of 1901.

5 “ (kk) the construction, purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public ; ”

Bom.
XVIII
of
1925.

3. For clause (g) of section 71 of the Bombay Municipal Boroughs Act, 1925, the following shall be substituted, namely :— Amendment of section 71 of Bom. XVIII of 1925.

5 “ (g) the construction, purchase, organisation, maintenance, extension and management of light-railways, tramways and mechanically propelled transport facilities for the conveyance of the public ; ”

STATEMENT OF OBJECTS AND REASONS.

Doubts have been entertained whether the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, enable a municipality to undertake the running of a motor transport service. The Bill is intended expressly to give this power to put the matter beyond the pale of doubt.

Dated 22nd February 1947.

G. D. VARTAK.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXII OF 1947.]

**(As read for the third time and passed by
the Legislative Assembly on the
1st March 1947.)**

**A Bill to amend the Bombay District Municipal
Act, 1901, and the Bombay Municipal
Boroughs Act, 1925.**

[Mr. G. D. VARTAK, M.L.A.]

Bomb. Act II of 1947
~~L. A. BILL No. XXII OF 1947.~~

A Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As read for the third time and passed by the
Legislative Assembly on the 1st March 1947.)

(As read for the third time and passed by the
Legislative Council on the 10th March 1947.)

Bom.
III of
1901.
Bom.
XVIII
of
1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay District Municipal and Municipal Boroughs (Second Amendment) Act, 1947. Short title
and
commence-
ment.

(2) It shall come into force at once ; but section 3 shall be deemed to have taken effect on the 1st day of January 1947.

Bom.
III of

2. After clause (k) of section 56 of the Bombay District Municipal Act, 1901, the following shall be inserted, namely :— Amendment
of section
56 of Bom.
III of 1901.

“(kk) the construction, purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public ;”

Amendment
of section 71
of Bom.
XVIII of
1925.

3. For clause (g) of section 71 of the Bombay Municipal Boroughs Act, 1925, the following shall be substituted, namely :—

“(g) the construction, purchase, organisation, maintenance, extension and management of light-railways, tramways and mechanically propelled transport facilities for the conveyance of the public ;”

Bom.
XVIII
of
1925.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXII OF 1947.]

**[(As read for the third time and passed by
the Legislative Assembly on the
1st March 1947.)]**

**(As read for the third time and passed by
the Legislative Council on the
10th March 1947.)**

**A Bill to amend the Bombay District Municipal
Act, 1901, and the Bombay Municipal
Boroughs Act, 1925.**

[Mr. G. D. VARTAK M.L.A.]
